

BEFORE THE WASHINGTON STATE
EXECUTIVE ETHICS BOARD

In the Matter of:

No. 09-23 and 09-024

[REDACTED]

Respondent.

ORDER AND JUDGMENT

I. APPLICABLE PROCEDURAL ISSUES

- I.1. On March 12, 2010 the Executive Ethics Board (Board) found reasonable cause to believe that the Respondent, [REDACTED] violated the Ethics in Public Service Act while employed with the University of Washington. Notice of the Reasonable Cause Determination and the right to request a hearing was served upon [REDACTED] by regular and certified mail on March 16, 2010.
- I.2. [REDACTED] did not respond to the notice of the Reasonable Cause Determination and of the right to request a hearing either by filing an answer, requesting a hearing, or otherwise.
- I.3. On May 18, 2010, Board staff provided [REDACTED] with notice by regular, certified and electronic mail of the Board's Order of Default and Temporary Adjournment of Further Proceedings entered on May 14, 2010.
- I.4. Pursuant to WAC 292-100-060(4) [REDACTED] was allowed 10 days to request vacation of the Order of Default. [REDACTED] has not moved to vacate the order entered on May 14, 2010.

II. FINDINGS OF FACT

- II.1. At all times material hereto, [REDACTED] was employed by the University of Washington Extension Program as a part-time instructor.
- II.2. On May 6, 2009, the University of Washington published Internal Audit Report 2009-14 which contained findings that (1) [REDACTED] used his UW email address as a point of contact on a personal website he maintained. The website, Morgan's Library, is

described as a noncommercial message board for Oracle users. The website described classes offered by [REDACTED] unrelated to his employment with UW; and (2) 14 emails were discovered in his UW email folders that related to the Morgan's Library website, inquiries about private classes taught by [REDACTED] details of a presentation he was to give at an Oracle user's group conference unrelated to his work for UW, and information for two requests for Proposals that [REDACTED] may have been interested in bidding on. The 14 emails were sent or received over a period of 8 working days.

II.3. [REDACTED] used his UW email address as points of contact on the following websites: www.morganslibrary.org; www.morganslibrary.com; www.morganslibrary.net; www.psoaug.com; www.psoaug.net; and www.psoaug.org. The psoaug websites were also devoted to Oracle users.

III. APPLICABLE LAW

III.1. RCW 42.52.160(1), Use of persons, money, or property for private gain, states:

No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

III.2. WAC 292-110-010, Use of State Resources, states, in pertinent part:

(1) **Statement of principles – stewardship.** The proper stewardship of state resources, including funds, facilities, tools, property, and employees and their time, is a responsibility that all state officers and employees share. Accordingly, state employees may not use state resources for personal benefit or gain or for the benefit or gain of other individuals or outside organizations.

IV. CONCLUSIONS OF LAW

IV.1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over [REDACTED] and over the subject matter of this complaint.

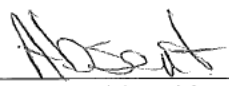
IV.2. A state officer or employee is prohibited under RCW 42.52.160 from using state property "under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee or another."

IV. 3. The Board is authorized to impose sanctions for violations to the Ethics Act pursuant to RCW 42.52.360.

V. ORDER AND JUDGMENT

- V.1. Based on the foregoing Findings of Fact and Conclusions of Law, we, the Executive Ethics Board, hereby find that [REDACTED] has violated RCW 42.52.160 and WAC 292-110-010 and order him to pay a civil penalty in the amount of Five Hundred dollars (\$500).
- V.2. Payment of the civil penalty of \$500 shall be made to the Executive Ethics Board within forty-five (45) days of this Order.

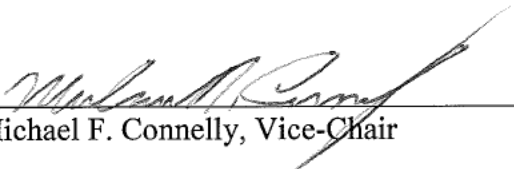
DATED this 12th day of November 2010.



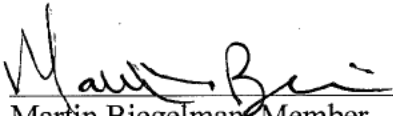
Linnaea Jablonski, Chair



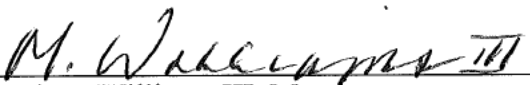
Neil Gorrell, Member



Michael F. Connelly, Vice-Chair



Martin Biegelman, Member



Matthew Williams III, Member